

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ILIO'ULAOKALANI COALITION,)
a Hawaii, nonprofit corporation;) CIVIL NO.04-00502 DAE BMK
NA'IMI PONO, a Hawaii)
unincorporated association; and)
KIPUKA, a Hawaii unincorporated)
association,) [PROPOSED] ORDER OF
Plaintiffs,) DISMISSAL
v.)
ROBERT M. GATES, Secretary of)
United States Department of)
Defense; and JOHN McHUGH,)
Secretary of the United States)
Department of the Army,)
Defendants.)

THIS CAUSE came before the Court on its own motion. On April 29, 2005, this Court entered Judgment in favor of Defendants. On October 5, 2006, the U.S. Court of Appeals for the Ninth Circuit reversed in part this Court's judgment and remanded with instructions to require Defendants to prepare a supplemental environmental impact statement in compliance with the National Environmental Policy Act ("NEPA"). On October 27, 2006, the Court of Appeals entered a temporary injunction, to remain in effect until this Court entered an interim injunction pending Defendants' compliance with NEPA. On December 29, 2006, this Court entered an interim injunction, to remain in place until either Defendants complied with NEPA or the parties

returned to this Court with changed circumstances, whichever occurred sooner. On April 15, 2008, Defendants filed a Notice of Record of Decision, notifying the Court and Plaintiffs that the Army had complied with NEPA by preparing a supplemental environmental impact statement and issuing a Record of Decision selecting Hawaii as the location to permanently station the 2nd Brigade, 25th Infantry Stryker Brigade Combat Team. On September 23, 2009, this Court entered an Order to Show Cause why a Court's judgment should not be entered in this case as it appears that the requirements of this Court's Order and the Ninth Circuit's remand had been met. On October 7, 2009, Plaintiffs filed their Response to Order to Show Cause, and Defendants filed their Response to the Court's Order to Show Cause. In their responses, the parties state that they have no objection to the entry of judgment in this case.

Accordingly, the Court being fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that this action be DISMISSED.

Dated: Honolulu, Hawaii, _____

David Alan Ezra
United States District Court